

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

00-*R*-1722

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF EARL
STEVENSON, JR., IN THE AMOUNT OF
\$3,797.24 AGAINST THE CITY OF ATLANTA**

WHEREAS, EARL STEVENSON, JR., has filed a claim against the City of Atlanta seeking damages to his vehicle; and

WHEREAS, the damage to Mr. Stevenson's vehicle occurred when he drove through a construction site in the roadway that was not properly covered and left in an unsafe condition; and

WHEREAS, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and;

WHEREAS, the claimant has asserted damages in the amount of \$3,797.24 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of EARL STEVENSON, JR., be settled for the sum of \$3,797.24.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$3,797.24 be paid by the City of Atlanta to EARL STEVENSON, JR., in satisfaction of any and all claims he may have stemming from damages sustained to his vehicle on or about September 8, 2000, at 911 West Paces Ferry Road and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 98L0718

Date: October 20, 2000

Claimant /Victim EARL STEVENSON, JR.
BY: (Atty) (Ins. Co.) _____
Address: 3208 White Oak Circle, Smyrna, Georgia 30082
Subrogation: _____ Claim for Property damage \$ 3,797.24 Bodily Injury \$ _____
Date of Notice: 10/20/98 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) X
Date of Occurrence 9/8/98 Place: 911 West Paces Ferry Road, NW
Department PUBLIC WORKS Division _____ Street _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant's vehicle sustained damage when he drove through a construction cut in the roadway that was not properly covered and left in an unsafe condition. (cc: claim #98L0786)

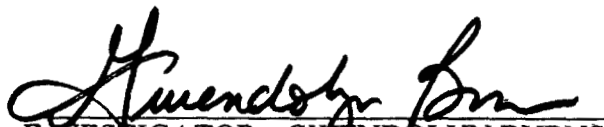
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

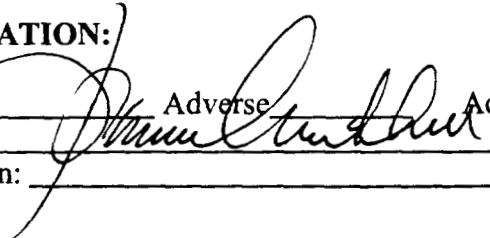
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 3,797.24 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 10-20-00
Committee Action: _____ Council Action _____

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 98L0718

\$ 3,797.24

IN CONSIDERATION of the sum of THIRTY-SEVEN HUNDRED AND NINETY-SEVEN AND 24/100

 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of vehicular damages

which occurred on or about the 8th day of September, 1998, at or near 911 West Paces Ferry Road.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 17TH day of OCT., 20 00.

Earl Stevenson (LS)
EARL STEVENSON, Jr.

The above release was read and explained to, and signed by the said EARL STEVENSON, JR.

W. B. [Signature] in our presence on the date above written.

Charles G. Welch
WITNESSES